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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

Russ Smith, *pro se*

Plaintiff,

v.

Trusted Universal Standards in  
Electronic Transactions, Inc. (d/b/a,  
TRUSTe, Inc.), Microsoft, Inc., Cisco  
Systems, Inc., and Comcast Cable  
Communications, LLC

Defendants

: Civil Action No. 1:09-cv-  
: 04567(RBK)(KMV)

: **PLAINTIFF'S REPLY TO:**

: **DEFENDANTS' JOINT BRIEF IN**  
: **OPPOSITION TO PLAINTIFF'S**  
: **MOTION FOR PARTIAL REMAND**

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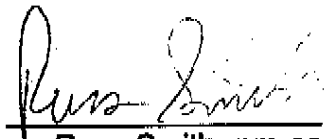
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**Summary**

1. Plaintiff is filing a reply to DEFENDANTS' JOINT BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL REMAND.
2. Plaintiff reiterates that State claims are in the majority and federal claims are merely collateral. The gravamen of the complaint is that Defendants' did not comply with their posted privacy policies and allow Plaintiff to review and correct, if necessary, the information. Other issues, while important in many respects, are collateral to Plaintiff's access to personally identifiable information so he may correct the information, if necessary.

3. The matter would not result in a significant loss of efficiency because the eavesdropping issues form a natural division in the case. Once those issues (and a few other collateral federal issues) are decided the case can proceed on State issues.
4. The only possible duplication is the federal and NJ eavesdropping laws. However, since the State law was based on the federal law conflicts in the respective State and federal decisions are unlikely.
5. Defendants do not dispute that a federal decision is necessary on the eavesdropping uses due to conflicting guidance offered by the Federal Communication Commission and the Federal Trade Commission affecting the entire internet industry.
6. Plaintiff's expectations in this matter are that federal court will only hear what is necessary under federal law and respect the State's rights to adjudicate State claims.



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